

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI**

|   |   |                               |
|---|---|-------------------------------|
| DALE FIRMIN, individually and on behalf | ) |                               |
| of other similarly situated persons,    | ) |                               |
|   | ) | Case No. 1:13-cv-00304-LG-JMR |
| Plaintiff,                              | ) |                               |
|   | ) |                               |
| v.                                      | ) |                               |
|   | ) |                               |
| RPM PIZZA, LLC, et al.,                 | ) |                               |
|   | ) |                               |
| Defendants.                             | ) |                               |

**NOTICE OF DISMISSAL**

The Plaintiff, by his undersigned attorneys, hereby gives notice in accordance with Fed. R. Civ. P. 41(a)(1), of the voluntary dismissal of the above entitled action without order of the court. With respect thereto, the Plaintiff states that no answer or motion for summary judgment has been received by counsel for the Plaintiff. Such dismissal is without prejudice and is not on the merits. There has been no prior dismissal in any court of the United States or of any state of an action based on or including the same claim as presented by the Plaintiff in its complaint herein.

DATED this 29<sup>th</sup> day of August, 2013.

/s/ Erik Heninger  
Erik Heninger, MS Bar # 100951  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was properly filed and served on all counsel or parties of record via CM/ECF on August 29, 2013.

/s/ Erik Heninger  
OF COUNSEL